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Statement submitted by Rural Development Institute, a non-governmental organization in consultative status with the Economic and Social Council*

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

* The present statement is issued without formal editing.

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Statement

Globally, land is an enormously powerful asset, but also has a social function. Both the economic and social aspects are central to advance gender equality and empower rural women and girls. It is widely recognized both that rural women and girls are sustained by agriculture and natural resources, and that the accumulation of assets provides a path out of poverty. Legal control of land, and legal and social recognition of women's uses of and rights to land, can also have catalytic empowerment effects, increasing women's influence and status in their homes and communities.

In Sub-Saharan Africa and Asia the majority of employed women work in the agriculture sector (60 and 70 per cent, respectively). Yet women and girls constitute 60 per cent of the world's chronically hungry people, according to UN Women. Rigid gender roles in many societies place rural women at the centre of the family, responsible for securing household resources — food, water, and fuel for heating and cooking — and also serving as the primary caregivers, but they often lack control over these resources.

Women bear a disproportionate burden of multidimensional poverty. It is fundamental to elevate the critical role and contribution of rural women — including indigenous women — in enhancing agricultural and rural development, improving food security for their families and communities, and eradicating rural poverty. Women's rights to land and productive resources are essential to their ability to realize a range of human rights and sustainable development goals.

We also note that within rural populations, unique circumstances limit opportunity for other marginalised groups and suppress gender equality, including discrimination based on race, indigeneity, socioeconomics and physical ability.

The Commission on the Status of Women's past consensus-based Agreed Conclusions have recognized this reality, stressing that women's rights to land, property and inheritance are central to sustainable development, environmental management and mitigation of natural disasters, effective land reform and decentralization processes, life-cycle and economic empowerment of women, and to reduced vulnerability to violence against women (Agreed Conclusions, sessions 57, 2014; 41, 1997; 46, 2002; and 2013).

Again, Member States of the Commission on the Status of Women unanimously agreed in its last session (2016) that women must have equal rights to a range of land rights, from access and ownership to control over land. The Commission on the Status of Women's Agreed Conclusions — the consensus document that governments negotiated during the March 2016 session — responded to the 60th session's primary theme, linking sustainable development and women's empowerment. The Agreed Conclusions contain two explicit references to women's land rights, urging states to anchor women's land rights within a normative framework, which in turn would require states to enact strong, unequivocal laws, and to ensure equal rights are realized in practice.

This assertion by the Commission represents great advancement for women's land rights within normative frameworks, especially when coupled with land-related goals under the 2030 Agenda for Sustainable Development. Most recently, the United Nations Working Group on Discrimination against Women in Law and Practice recognized the critical importance of women's land rights, adopting an unprecedented position paper, stressing that "driven by the urgency of a global rush for land and

extracted resources and unprecedented urbanization, hastened by the growing impact of climate change and frequency of natural disasters, women have been at the centre of human rights violations worldwide regarding their rights and access to land." This builds on prior statements by treaty-monitoring bodies and UN Special Rapporteurs, which have characterized women's land rights as essential for gender equality and non-discrimination, and as a fundamental precondition to the realization of the rights to an adequate standard of living, including food and housing, health and life, work, cultural identity, and participation in civil and political life.

The Working Group urge States to comply with their obligations to account for the quality, legality (legitimacy) and effective implementation, participation and enforceability of land rights for women, including through the adoption of measures to prevent discrimination against women in their rights to access, use, inherit, control, and own land. This discrimination is perpetrated by a variety of actors, including private corporations and investors, powerful local elites, multilateral organizations, regional trade initiatives and family members. A gender-responsive framework recognizes these realities and accounts for these key elements:

- Quality means that the scope of the land rights is clearly defined and includes all forms of tenure exercised by women and men, including ownership, access and use (e.g., right to use, lease, transfer, inherit, rent, occupy); the rights should be granted for a clear and ideally extended period of time.
- Legality and effective implementation means equal land rights must be legally recognized. Customary law must be acknowledged by formal laws and administrative structures. Women's land rights must be guaranteed by law whether or not they are recognized by customary or religious systems, by family members, by a woman's community and its leaders. Rights to land must be equitable, without regard to sex, age, ethnicity, religion, socioeconomic status, and other markers of diversity.
- Participation requires the inclusion of rural women and men, minority groups, and civil society in policy making bodies regarding land ownership and use.
- Enforceability requires that women and men be fully informed of their land rights and that they have access to justice to enforce them without discrimination, including in official bodies, courts, and other relevant dispute resolution bodies, such as customary institutions. Access to dispute resolution or enforcement mechanisms must not be subject to extra permissions that apply based on gender, social condition, or other status. Land rights enforcement and dispute resolution processes must be available, accessible, affordable and gender-responsive.

Recommendations

The millions of women who depend on land and farming for their income, employment, and social security stand to benefit immensely if laws, policies, and programs become better informed by the normative frameworks above, applied on local, national, and global levels.

The following recommendations link this Sessions theme on the "challenges and of economic empowerment" with last session's focus on the Sustainable Development Goals, and call for urgent and immediate steps toward realization of those commitments by improving the quality, legality and effective implementation, participatory nature, and enforceability of women's rights to land. States must:

- Build on international frameworks now in place in both human rights and sustainable development by incorporating principles and specific recommendations from those frameworks into national level legislation; laws should clearly define equal rights to land, harmonize plural legal systems, and include requirements for both implementation and enforceability.
- Prioritize participation of local communities as well as women's organizations in the design, drafting, adoption, and implementation of policies and legislation related to land. This commitment to participatory governance will support the development, adoption, and implementation of strategies for improving women's access to land security and natural resources that reflect local-level realities.
- As part of increasing participation, provide rural women with essential education and capacity building, building knowledge and skills to improve agricultural production and quality. Ensure that they are fully aware of existing rights regarding land use and access to natural resources, and couple trainings and information campaigns with data gathering on women's interests and constraints.
- Ensure broad participation by establishing mechanisms involving all relevant stakeholders in decision making and management of the use of land and natural resources. Bridging differences between individual stakeholders through facilitated dialogue is essential for identifying and developing effective local policies.
- Link reporting to treaty monitoring bodies with reporting on sustainable development. Gather data that serves both purposes, and enshrine both in implementing regulations for national level legislation.
- To monitor quality, implementation, and enforceability, empower local-level groups (e.g., self-help groups or local civil society) to report on local-level realities at regional and national forums.